

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO
 for the
 District of New Mexico

JUN 29 2018

In the Matter of the Search of
 (Briefly describe the property to be searched
 or identify the person by name and address)

Anthony S. Romero
 DOB 1991
 SSAN: 4063

Case No. 18 mr 576

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Anthony S. Romero, Cibola County Correctional Center, 2000 Cibola Loop, Milan, NM 87021

located in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

Buccal swabs be taken from the cheek and mouth, which contains biological identifiers in the form of DNA (Deoxyribonucleic Acid) and major case prints.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

| <i>Code Section</i> | <i>Offense Description</i> |
|---------------------------|---|
| Title 18 U.S.C. § 1951(a) | Interference with interstate commerce by robbery. |
| Title 18 U.S.C. § 924(c) | Using and carrying a firearm during and in relation to a crime of violence. |

The application is based on these facts:
 See attached

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

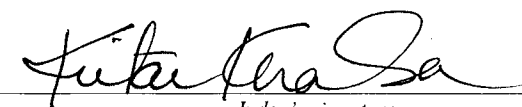

 Applicant's signature

Dibiassi Robinson, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 06/29/2018


 Judge's signature

City and state: Albuquerque, NM

KIRTAN KHALSA, U.S. MAGISTRATE JUDGE

Printed name and title

**AFFIDAVIT IN SUPPORT OF
COLLECTING MAJOR CASE PRINTS AND DNA**

INTRODUCTION AND AGENT BACKGROUND

I, Dibiassi Robinson, being duly sworn, hereby depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and has been employed by the FBI since August 2016. I am a Graduate of the FBI's New Agents Course and have previously served in local law enforcement in Richmond, Virginia and Colorado Springs, Colorado where I investigated narcotics violations, conspiracies and violent crimes including aggravated assaults and homicides. I am currently assigned as a Special Agent, Violent Crimes Squad, at the FBI Albuquerque Field Office, where I investigate violations of the United States Code, including violent crimes, such as, Hobbs Act violations, bank robberies, controlled substance violations, conspiracies, sexual assaults, assaults resulting in serious bodily injury and homicides. I have attended multiple trainings focused on Indian Country Crimes, sexual assaults, aggravated assault and homicides. I am a current and active member of the Albuquerque FBI Special Weapon and Tactics (SWAT) Team.
2. I submit this application and affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant authorizing a search of the person of Anthony S. Romero (ROMERO), who is currently incarcerated at the Cibola County Correctional Center, 2000 Cibola Loop, Milan, NM 87021 awaiting trial in the matters of *United States of America v. Anthony Romero*.
3. This affidavit is based primarily upon information received from eye-witness accounts, surveillance video footage, physical surveillance, database queries, other law enforcement agencies and other investigative methods; and my training, experience and background as a Special Agent with the FBI. Since this affidavit is being submitted for the limited purpose of securing authorization for the requested search warrant, I have not included each and every fact known concerning this investigation. Instead, I have set forth only the facts that I believe are necessary to establish probable cause to believe that evidence relating to violations of Title 18 United States Code (U.S.C.) § 1951(a) interference with interstate commerce by robbery, and

Title 18 U.S.C. § 924(c) using and carrying a firearm during and in relation to a crime of violence.

STATUTORY AUTHORITY

4. As stated, this investigation concerns an alleged violation of Title 18 United States Code (U.S.C.) § 1951(a) interference with interstate commerce by robbery, and Title 18 U.S.C. § 924(c) using and carrying a firearm during and in relation to a crime of violence.

- a. Title 18 U.S.C. § 1951(a) prohibits anyone in any way or degree to obstruct, delay or affect commerce or the movement of any article or commodity in commerce, by robbery...or commit or threaten physical violence to any person or property in furtherance of a plan or purpose.
- b. Title 18 U.S.C. § 924(c) prohibits a person from using and discharging a firearm during and in relation to a crime of violence.

BACKGROUND OF THE INVESTIGATION

5. On May 9, 2017 approximately 9:50 p.m. M.B. was working the drive-through window of the Dion's Pizza located at 10010 Coors Bypass NW Albuquerque, NM. M.B. heard a loud sound at the window and walked to see what had happened. An unknown male subject (UNSUB) with a white hoodie, shorts, white hat and cloth covering his face told M.B. it was a robbery. The UNSUB was armed with a gun so M.B. turned around to warn co-workers and heard a gunshot from behind. M.B. then saw the UNSUB had crawled through the drive through window and was standing inside the restaurant. The UNSUB forced M.B. to the cash registers and to open each. The UNSUB took roughly \$275.00 cash. The UNSUB exited the restaurant through a customer door and entered into a red SUV and fled the scene. There were six other employees in the kitchen area of the restaurant during the robbery and they all observed the UNSUB point a handgun at them.

6. Two projectiles were located inside and recovered from the restaurant. One impacted a sign about ten feet away from the drive through window and the other impacted a cash register

screen, indicating the UNSUB fired at least two rounds during the robbery. At some point during the robbery, prior to exiting the restaurant, the mask the UNSUB wore came off his face. The mask was also recovered as well.

7. An Albuquerque Police Department (APD) detective in the area observed a Red Jeep (Target Vehicle) travelling south on Coors Bypass NW then south on Eagle Ranch Road. The APD detective noted there was only one occupant inside the vehicle, dressed in a white hoodie with the hood over his head.

8. APD detectives located the Target Vehicle parked in front of the Smith's Grocery Store located at 8301 Golf Course Road NW. The Target Vehicle bore a Pennsylvania license plate "HTL8514". The Target Vehicle was unoccupied and the engine was running. APD detectives observed an UNSUB wearing a white hoodie run out of the Smith's Grocery Store and enter into the Target Vehicle. The Target Vehicle fled the parking lot just prior to APD units being dispatched to that location reference to a commercial armed robbery.

9. APD detectives attempted to follow the Target Vehicle as it fled the scene. The Target Vehicle drove in an erratic manner at high speeds, with no headlights on through a residential neighborhood. APD detectives were unable to safely follow the vehicle. A photograph of the Target Vehicle was taken by a witness and provided to responding officers and detectives.

10. An APD detective responded to Wendy's, 10169 Coors Blvd NW where the Real Time Crime Center had observed the UNSUB enter a red Chevy S10 pickup truck (Target Vehicle 2) just prior to a robbery at the Albertson's Market, 10131 Coors Blvd NW. The APD detective immediately identified Target Vehicle 2 based on its distinct black stripe on the hood, red paint, make, model and missing rear bumper. Target Vehicle 2 was known to the APD detective because he and other APD detectives had conducted surveillance on Target Vehicle 2 a few days prior. During the surveillance Target Vehicle 2 was driven by a male subject identified as ROMERO.

11. APD detectives responded to several of ROMERO's known addresses. APD detectives located a red Jeep backed into the driveway of 6647 Lamy St NW Albuquerque, NM. Based on the photograph taken by the witness and surveillance by APD detectives, it was determined the red Jeep was the Target Vehicle used in several robberies on May 9, 2017. Surveillance was

conducted on the Target Vehicle which was occupied by one UNSUB. The Target Vehicle remained parked in the driveway with the headlights on for a short period of time. The Target Vehicle then left the residence and drove through the residential neighborhood. The Target Vehicle parked again in a nearby residential neighborhood. The UNSUB exited the vehicle and began walking up to vehicles and residences, out of view of the APD detectives and returned to the Target Vehicle with unknown items in his hands.

12. APD detectives attempted to contact the UNSUB to affect an arrest. As APD detectives approached and identified themselves as police officers the UNSUB exited the Target Vehicle and fled on foot. The male subject was quickly apprehended and positively identified as ROMERO. In plain view, from outside the Target Vehicle, APD detectives observed the ignition switch of the Target Vehicle had been damaged and there was a pair of vice-grip pliers near the ignition switch, which are commonly used to start stolen vehicles. The Target Vehicle showed multiple signs of being stolen but had not yet been reported as stolen. At the time of the arrest, ROMERO was dressed in shorts and white shoes consistent with the victims' descriptions.

13. Deoxyribonucleic Acid (DNA) profiles were obtained from the evidence items recovered from the multiple crime scenes by APD. Known DNA reference samples from ROMERO is necessary for comparison to the DNA evidence in this case. The National DNA database requires profiles have a minimum number of results (loci) as well as meeting a statistical rarity to avoid adventitious matches, which makes direct comparison with applicable suspect reference samples the only means to make any comparisons with the majority of evidentiary profiles in this case.

CONCLUSION

14. Based on the above described facts, there is probable cause to believe that Anthony Romero committed the violation of Title 18 U.S.C. § 1951(a) interference with interstate commerce by robbery, and Title 18 U.S.C. § 924(c) using and carrying a firearm during and in relation to a crime of violence; and evidence of said crime can be found in the fingerprints and DNA. Therefore, the government's request for a search warrant to be issued for the person of Anthony Romero so that buccal swabs can be taken from his cheek and mouth, which contain biological identifiers in the form of DNA, which can thereafter be compared with DNA profiles

obtained from evidence items seized from the multiple crime scenes; and that major case prints be taken from Anthony Romero so that comparison can be made between the prints recovered from Dion's Pizza and Anthony Romero's hand, palm and fingerprints.

15. Albertsons Market is a national grocery store chain and a subsidiary of Albertsons Company, corporate headquarterd in Boise, ID.

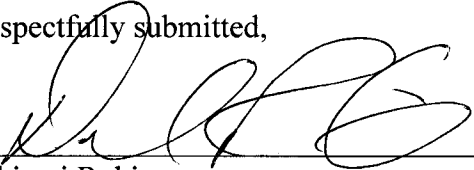
16. Smith's Food and Drug Company is a regional grocery store chain and a subsidiary of the Kroger Retail Company. Smith's Corporate Headquarters is located in Salt Lake City, UT.

17. Dion's is a regional pizza, salad and sub restaurant chain based in Albuquerque, New Mexico with multiple locations in Texas and Colorado, engaged in interstate commerce.

18. Based on my training and experience, I know that no firearms are manufactured in the state of New Mexico, and any firearm possessed by ROMERO would have had to travel in interstate or foreign commerce to be in the state of New Mexico.

19. I swear this information is true and correct to best of my knowledge.

Respectfully submitted,



Dibiassi Robinson
FBI Special Agent

Subscribed and sworn to before me
on June 29, 2018:



KIRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE